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TAGS: PHUM PGOV PREL TU GR

SUBJECT: NOT NEW, JUST REHEATED: AN UPDATE ON CHARGES
AGAINST THE ECUMENICAL PATRIARCH

REF: A. ISTANBUL 664

1B. ISTANBUL 638

1C. ISTANBUL 607

1D. ISTANBUL 550

Sensitive but Unclassified, Please Protect Accordingly.

11. (SBU) Summary. Following recent Greek and Turkish press reports that an Istanbul prosecutor subpoenaed Ecumenical Patriarch Bartholemeos, the Patriarch's attorney Kezban Hatemi told us that new prosecutorial staff had mistakenly issued the subpoena when they overlooked the Patriarch's prior written statement in the same case. Hatemi is trying to resolve this issue quietly. This controversy illustrates how the Turkish legal system can be used for intra-orthodox battles. End Summary.

12. (SBU) Several Greek media sources, as well as Turkish newspapers Yenicag and Sabah, recently reported that Beyoglu Public Prosecutor Ahmet Cakar subpoenaed Ecumenical Patriarch (EP) Bartholemeos in connection with statements he made at the 2nd International Orthodox Youth Conference on July 12, 12007. The charges under investigation were filed by Bojidar Cipov, a Bulgarian Orthodox priest who was defrocked by the EP in 2002 on the grounds of disobedience. Cipov's 2003 lawsuit challenging the EP's ability to remove him from clerical office was the subject of the Yargitay case (reftel D) in which the Yargitay commented that the EP was not "ecumenical" in nature. In the case at hand, Cipov filed charges with the Beyoglu prosecutor's office alleging the EP to have "misused his religious services," as stipulated in Turkish Penal Code Article 219 when he said "Our Patriarchate has been ecumenical since the 6th century. This is a historical title and the entire world recognizes it." Cipov has filed several other cases, alleging the EP "misused his religious services," and attempting to block actions by the Ecumenical Patriarchate, including the July 7-10 Holy Synod. Cipov has since filed another complaint in relation to a planned August 27-29 Holy Synod meeting.

13. (SBU) While Kezban Hatemi, the Patriarchate's lawyer, acknowledged that the Beyoglu Prosecutor had contacted the Patriarchate, she dismissed the case as an old story that the press was trying to "re-heat". She told us "this is not a new issue, and it is not a big deal." She said that the previous prosecutor had accepted the written statement she sent regarding this issue, but that the new prosecutor was unaware of this exchange. (August is typically a period of significant personnel upheaval in the Turkish bureaucracy as civil servants adjust to arrival and departures caused by their summer transfer season.) Hatemi wants to handle the

issue quietly and to avoid having the EP travel to the Prosecutor's office.

¶4. (SBU) Comment: Turkish judicial officials are required by law to investigate any charges brought to them, resulting in a proliferation of nuisance lawsuits brought by 'concerned citizens' against prominent figures. Article 301 cases brought against well-known writers and intellectuals are the best example of this situation. Cipov's objection to His All Holiness's ecumenical nature was the core of the "disobedience" for which he was defrocked several years ago. He now appears to have found a venue for airing his grievances in public -- the Turkish court system. End comment.

WIENER